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In re Application of
RATHINASABAPATHI et al.
Application No.: 10/588,043
PCT No.: PCT/US05/09047
Int. Filing Date: 17 March 2005
Priority Date: 17 March 2004
Attorney's Docket No.: 10457-055US
For: INCREASED STRESS TOLERANCE AND:
ENHANCED YIELD IN PLANTS

DECISION ON
INSUFFICIENT FEE

This is a decision on applicant's "Response to Notification of Insufficient Fees", filed in the United States Patent and Trademark Office (USPTO) on 19 April 2007 requesting refund of overpayment of the basic search fee.

On 17 March 2005, applicant filed international application PCT/US05/09047 identifying the United States as the International Search Authority in Box VII of the Request (Form PCT/RO/101).

On 01 August 2006, prior to the expiration of the thirty month period, applicant filed a transmittal letter to enter national stage along with the basic national fee of \$150, the search fee of \$50 and examination fee of \$100. On 13 April 2007, a Notification of Insufficient Fees (FORM PCT/DO/EO/923) was mailed indicating that "the application search fee is insufficient. Applicant must submit \$200 to complete the search fee."

On 19 April 2007, applicant filed a response to the Notification of Insufficient Fees requesting a review of the application fees. 37 CFR 1.445(b)(2) states that the search fee is \$100 where the United States was the International Searching Authority. As indicated above, the United States was the International Searching Authority. A review of the USPTO finance records indicate that the basic national fee of \$150, the \$50 national stage search fee (fee code 2641) and \$100 national stage examination fee (fee code 2633) were paid on 01 August 2006, the appropriate national search and examination fees in the above referenced application. Thus, no surcharge should be owed by applicant.

For the reasons set forth above, the Notification of Insufficient Fees (FORM PCT/DO/EO/923) is hereby VACATED. Applicant's request for refund of fees is DISMISSED AS MOOT.

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